

Message Text

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FOLLOWING REPEAT BELGRADE 5532 ACTION SECSTATE INFO
VIENNA JULY 28.

QUOTE LIMITED OFFICIAL USE BELGRADE 5532

USIAEA

EO 11652: NA
TAGS: ENRG, PARM, MNUC, YO
SUBJ: KRSKO NUCLEAR NEGOTIATIONS

REF: A) STATE 188268, B) BELGRADE 5514
C) TRANSMITTAL - MALLOY TO NOSENZO, DATED 7/28/78, REF NO 4020142

1. FOLLOWING ARE TEXTS OF TWO LETTERS FROM FSFA SECRETARY
VRHOVEC, BOTH DATED JULY 27, 1978, ONE TO SECRETARY VANCE,
THE OTHER TO IAEA DIRECTOR GENERAL EKLUND. (SIGNED ORIGINAL
OF VRHOVEC TO VANCE AND SIGNED COPY OF VRHOVEC TO EKLUND
TRANSMITTED REF C).

2. TEXT OF VRHOVEC TO VANCE LETTER:

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DEAR MR. SECRETARY OF STATE:

I HAVE THE HONOUR TO REFER TO THE MATTER OF SUPPLY
OF THE US NUCLEAR FUEL FOR THE KRSKO NUCLEAR POWER PLANT
WHICH REMAINED OUTSTANDING AFTER WE HAD, ON 12 MAY 1977,
SOLVED THE PROBLEM OF SUPPLY OF EQUIPMENT FOR OUR FIRST
NUCLEAR POWER PLANT. THE PROBLEMS WHICH AROSE AT THAT TIME
WERE DUE TO THE REQUEST OF THE UNITED STATES GOVERNMENT
TO REVISE THE EXISTING AGREEMENTS ON THE CONSTRUCTION OF THE
KRSKO NUCLEAR POWER PLANT, I.E. THE REQUEST OF THE US GOVERNMENT

FOR ADDITIONAL BILATERAL SAFEGUARDS.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO REPEAT THAT THE GOVERNMENT OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA HAS IN ITS POLICY ALWAYS AND CONSISTENTLY PLEDGED ITSELF FOR NUCLEAR DISARMAMENT AND HAS, CONSEQUENTLY, ATTACHED EXCEPTIONAL IMPORTANCE TO THE HALTING OF THE NUCLEAR ARMS RACE AND PROHIBITION OF PRODUCTION, STOCKPILING AND USE OF NUCLEAR WEAPONS. BY RATIFYING THE TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT) AND BY ACCEPTING THE AGENCY'S MULTILATERAL SAFEGUARDS SYSTEM IT HAS, FOR ITS PART, UNDERTAKEN NOT TO PRODUCE NOR PROCURE NUCLEAR WEAPONS OR NUCLEAR EXPLOSIVES AND ALSO THAT IT WILL NOT USE FOR MILITARY PURPOSES NUCLEAR TECHNOLOGY AND TECHNIQUES WHICH IT RECEIVES. THE GOVERNMENT OF THE SFR OF YUGOSLAVIA HAS MOST FAITHFULLY ADHERED TO THE MENTIONED COMMITMENTS AND THIS CONSTITUTES A LASTING COMPONENT OF ITS POLICY.

I WOULD LIKE TO NOTE THAT THE GOVERNMENT OF THE SFR OF YUGOSLAVIA, BEING CONSISTENT TO ITS POLICY OF NON-PROLIFERATION OF NUCLEAR WEAPONS, HAS IN CONNECTION WITH THE CONSTRUCTION OF THE KRSKO NUCLEAR POWER PLANT UNDERTAKEN AS FOLLOWS:

A) UNDER THE AGREEMENT BETWEEN THE GOVERNMENT OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA AND THE INTERNATIONAL LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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ATOMIC ENERGY AGENCY, YUGOSLAVIA HAS UNDERTAKEN THAT THE REACTOR FOR THE KRSKO NUCLEAR POWER PLANT AND ANY NUCLEAR MATERIAL CONTAINED, USED, PRODUCED OR PROCESSED IN, OR BY THE USE OF THE REACTOR, SHALL NOT BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE;

B) THE SAME AGREEMENT SPECIFIES THAT THE SAFEGUARDS, RIGHTS AND RESPONSIBILITIES OF THE AGENCY PROVIDED FOR IN PARAGRAPH A OF ARTICLE XII OF ITS STATUTE ARE RELEVANT TO THE KRSKO NUCLEAR POWER PLANT, AND THAT THEIR IMPLEMENTATION IS SATISFIED BY THE APPLICATION OF SAFEGUARDS PROCEDURES PURSUANT TO THE AGREEMENT BETWEEN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS;

C) THE GOVERNMENT OF THE SFR OF YUGOSLAVIA WILL DO EVERYTHING WITHIN ITS COMPETENCE TOWARDS THE IMPLEMENTATION OF THE PROVISIONS OF THE AGREEMENT CONCLUDED BETWEEN THE NUCLEAR POWER PLANT KRSKO CONSORTIUM AND THE EXPORT-IMPORT BANK, OF 25 JULY 1974, TO THE EFFECT THAT NO EQUIPMENT OR MATERIALS SUPPLIED BY THE UNITED STATES TO THE KRSKO POWER PLANT WILL BE EXPORTED TO OR USED IN ANY OTHER COUNTRY, LEASED, SOLD OR OTHERWISE DISPOSED. IT IS UNDERSTOOD THAT THOSE UNDERTAKINGS SHALL APPLY TO ALL NUCLEAR FUEL THE KRSKO NUCLEAR POWER PLANT MAY RECEIVE UNDER THIS ARRANGEMENT, IRRESPECTIVE OF THE DURATION OF THAT AGREEMENT.

WE ARE CONVINCED THAT THE COMMITMENTS CITED ABOVE

ARE FULLY CONSISTENT WITH THE NUCLEAR WEAPONS NON-PROLIFERATION OBJECTIVES OUR TWO COUNTRIES SUPPORT AND ARE, THEREFORE, ENTIRELY IN KEEPING WITH PREVENTION OF POSSIBLE MISUSES AND COMPLY WITH THE UNITED STATES REQUIREMENTS CONCERNING THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

AS YOU ALREADY KNOW THE GOVERNMENT OF THE SFR OF YUGOSLAVIA HAS, IN OCTOBER 1977, RESPONDED TO THE INVITATION OF THE UNITED STATES GOVERNMENT TO PARTICIPATE IN THE INFCE STUDIES AND CONTRIBUTE TO THE SOLUTION OF PROBLEMS RELATED TO THE USE OF NUCLEAR ENERGY. YUGOSLAVIA HAS, TOGETHER WITH OTHER PARTICIPANTS LIMITED OFFICIAL USE
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AT THE AFOREMENTIONED CONFERENCE, INCLUDING THE UNITED STATES, SUPPORTED THE ATTITUDE THAT NUCLEAR ENERGY FOR "PEACEFUL PURPOSES SHOULD BE MADE WIDELY AVAILABLE" AND EXPRESSED ITS "CONVICTION THAT EFFECTIVE MEASURES CAN AND SHOULD BE TAKEN AT THE NATIONAL LEVEL AND THROUGH INTERNATIONAL AGREEMENTS WHICH WOULD CONTRIBUTE TO MINIMIZE THE DANGER OF THE PROLIFERATION OF NUCLEAR WEAPONS WITHOUT JEOPARDIZING NUCLEAR ENERGY SUPPLY FOR PEACEFUL PURPOSES."

WE ARE CONVINCED AS WELL AS OTHER PARTICIPANTS OF THE CONFERENCE THAT WHILE THE INFCE STUDIES ARE BEING CARRIED OUT AND NEW SOLUTIONS, CONFIRMED BY THE INTERNATIONAL COMMUNITY ARE NOT ADOPTED, THERE MUST NOT BE ANY CHANGES IN THE EXISTING ARRANGEMENTS FOR NUCLEAR FUEL SUPPLY AND TRANSFER OF NUCLEAR TECHNOLOGY.

THE SFR OF YUGOSLAVIA HAS NOTED THAT THE GOVERNMENT OF THE UNITED STATES AFFIRMS ITS INTEREST IN THE TIMELY ISSUANCE OF NECESSARY LICENSES FOR EXPORT OF FUEL FOR THE FIRST CORE AND FIRST RELOAD AS WELL AS SUBSEQUENT FUEL FOR THE KRSKO NUCLEAR POWER PLANT AS MAY BE REQUESTED, IN ACCORDANCE WITH THE EXISTING AGREEMENTS INCLUDING THE AGREEMENT FOR FURNISHING URANIUM ENRICHMENT SERVICES UNDER THE AGREEMENT FOR COOPERATION OF 14 AUGUST 1974 ("THE CONTRACT").

HAVING IN MIND THAT THE UNITED STATES CONSIDERS DISPOSAL OF IRRADIATED FUEL A PARTICULAR PROBLEM, THE GOVERNMENT OF THE SFR OF YUGOSLAVIA WOULD LIKE TO STATE THE FOLLOWING:

THE SFR OF YUGOSLAVIA IS READY TO STORE THE IRRADIATED US FUEL IN ADEQUATE STORAGE FACILITIES ON THE TERRITORY OF THE SFR OF YUGOSLAVIA FOR A PERIOD OF TIME SUFFICIENT FOR ITS POSSIBLE SUBSEQUENT USE IN SUPPORT OF THE ECONOMIC DEVELOPMENT OF THE SFRY AND IN ACCORDANCE WITH NON-PROLIFERATION OBJECTIVES. THE SFR OF YUGOSLAVIA FURTHERMORE EXPRESSES ITS READINESS TO EXPAND ITS IRRADIATED FUEL TEMPORARY STORAGE FACILITIES AND NOTES WITH
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PLEASURE THE INTENTION OF THE UNITED STATES GOVERNMENT OT

PROVIDE APPROPRIATE SUPPORT FOR THESE EFFORTS.

WITH RESPECT TO DISPOSITION OF THE US FUEL
IRRADIATED IN THE KRSKO NUCLEAR POWER PLANT THE SFR OF
YUGOSLAVIA SHALL ACCOMPLISH SUCH DISPOSITION IN ACCORDANCE
WITH THE ALTERNATIVES SET FORTH BELOW:

A. STORAGE IN THE SFR OF YUGOSLAVIA;

B. STORAGE, PROCESSING OR OTHER DISPOSITION IN
ACCORDANCE WITH INTERNATIONALLY ACCEPTED ARRANGEMENTS TO
WHICH BOTH THE GOVERNMENT OF THE SFR OF YUGOSLAVIA AND THE
GOVERNMENT OF THE UNITED STATES SUBSCRIBE;

CGM STORAGE IN THE UNITED STATES FOR A FIXED FEE
UNDER RELATED COMMERCIAL ARRANGEMENTS, IF PRACTICABLE.

THE GOVERNMENT OF THE SFR OF YUGOSLAVIA UNDERSTANDS
THAT THE UNDERTAKINGS CITED ABOVE REFER TO THE FIRST CORE AND
FIRST RELOAD AND ANY OTHER SUBSEQUENT RELOAD THAT MAY BE
REQUESTED AND TRANSFERRED. THESE UNDERTAKINGS MAY BE
TERMINATED, IT BEING UNDERSTOOD THAT SUCH TERMIN
TION SHALL

NOT AFFECT THE RIGHTS AND OBLIGATIONS OF THE PARTIES
(INCLUDING THOSE SET FORTH IN THIS LETTER) WITH RESPECT TO
FUEL TRANSFERRED TO THE SFR OF YUGOSLAVIA PRIOR TO SUCH
TERMINATION. NOTHING IN THESE ARRANGEMENTS IS MEANT TO
AFFECT THE TERMS OR CONDITIONS OF THE AGREEMENT FOR
FURNISHING URANIUM ENRICHMENT SERVICES UNDER THE AGREEMENT
FOR COOPERATION OF 14 AUGUST 1974, AND THE AGREEMENT FOR
THE SUPPLY OF URANIUM ENRICHMENT SERVICES FOR A NUCLEAR
POWER FACILITY IN THE SFR OF YUGOSLAVIA OF 14 JUNE 1974.

IN CONCLUSION, I WOULD LIKE TO NOTE THAT SHOULD
THE SFR OF YUGOSLAVIA OR THE UNITED STATES SUBSCRIBE TO ANY
NEW INTERNATIONAL AGREEMENT WHICH LOULD REFER TO ISSUES
REGULATED BY THIS AGREEMENT, THE GOVERNMENT OF THE SFR OF
YUGOSLAVIA EXPRESSES ITS READINESS TO ENTER PROMPTLY INTO
NEGOTIATIONS ON NECESSARY MODIFICATIONS FOR THE IMPLEMENTATION
OF THOSE AGREEMENTS, UNLESS THEIR IMMEDIATE IMPLEMENTATION
HAS BEEN PROVIDED FOR THEREIN. END TEXT.

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3. TEXT OF VRHOVEC TO EKLUND LETTER:

DEAR MR. DIRECTOR GENERAL:

I HAVE THE HONOUR TO REFER TO THE AGREEMENT AMONG
THE SFR OF YUGOSLAVIA, THE UNITED STATES OF AMERICA AND THE
INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) OF 14 JUNE 1974,
CONCERNING THE SUPPLY OF THE UNITED STATES NUCLEAR FUEL FOR
THE NUCLEAR POWER PLANT KRSKO. AS YOU KNOW, THE ISSUE OF SUPPLY
OF THE US FUEL FOR THE KRSKO POWER PLANT REMAINED OUTSTANDING
AFTER WE HAD, ON 12 MAY 1977, SOLVED WITH THE UNITED STATES
THE PROBLEM OF SUPPLY OF EQUIPMENT FOR OUR FIRST NUCLEAR
POWER PLANT (OUR NOTE NO. 427338 OF 18 MAY, 1977). THE PROBLEMS
WHICH AROSE AT THAT TIME WERE DUE TO THE REQUEST OF THE

UNITED STATES GOVERNMENT TO REVISE THE EXISTING AGREEMENTS ON THE CONSTRUCTION OF THE KRSKO NUCLEAR POWER PLANT, I.E. THE REQUEST OF THE US GOVERNMENT FOR ADDITION BILATERAL SAFEGUARDS.

IN THIS CONNECTION I WOULD LIKE TO INFORM YOU THAT THE SFR OF YUGOSLAVIA HAS NOTED THAT THE GOVERNMENT OF THE UNITED STATES HAS AFFIRMED ITS INTEREST IN TIMELY ISSUANCE OF THE NECESSARY LICENSES FOR EXPORT OF FUEL FOR THE FIRST CORE AND FIRST RELOAD AS WELL AS FOR SUBSEQUENT FUEL AS MAY BE REQUESTED FOR THE KRSKO NUCLEAR POWER PLANT, IN ACCORDANCE WITH EXISTING AGREEMENTS INCLUDING THE AGREEMENT FOR FURNISHING URANIUM ENRICHMENT SERVICES UNDER THE AGREEMENT FOR COOPERATION OF 14 AUGUST 1974 ("THE CONTRACT"). IT IS UNDERSTOOD THAT CERTAIN UNDERTAKINGS OF THE KRSKO POWER PLANT CONSORTIUM ACCORDING TO THE AGREEMENT CONCLUDED WITH THE EXPORT-IMPORT BANK OF 25 JULY 1974, SHALL APPLY TO ALL NUCLEAR FUEL THE KRSKO NUCLEAR POWER PLANT MAY RECEIVE UNDER THIS ARRANGEMENT, IRRESPECTIVE OF THE DURATION OF THAT AGREEMENT.

HAVING IN MIND THAT THE UNITED STATES CONSIDERS
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DISPOSAL OF IRRADIATED FUEL A PARTICULAR PROBLEM, THE GOVERNMENT OF THE SFR OF YUGOSLAVIA DECLARES ITS READINESS TO STORE THE IRRADIATED FUEL SUPPLIED UNDER THIS AGREEMENT IN ADEQUATE STORAGE FACILITIES ON THE TERRITORY OF THE SFR OF YUGOSLAVIA FOR A PERIOD OF TIME SUFFICIENT FOR ITS POSSIBLE SUBSEQUENT USE IN SUPPORT OF THE ECONOMIC DEVELOPMENT OF THE SFR OF YUGOSLAVIA AND IN ACCORDANCE WITH NON-PROLIFERATION OBJECTIVES. FURTHERMORE, THE SFR OF YUGOSLAVIA EXPRESSES ITS READINESS TO EXPAND ITS IRRADIATED FUEL TEMPORARY STORAGE FACILITIES AND NOTES WITH PLEASURE THE INTENTION OF THE UNITED STATES GOVERNMENT TO PROVIDE APPROPRIATE SUPPORT FOR THESE EFFORTS.

WITH RESPECT TO DISPOSITION OF THE US FUEL IRRADIATED IN THE KRSKO NUCLEAR POWER PLANT, THE SFR OF YUGOSLAVIA AND THE UNITED STATES HAVE AGREED TO ACCOMPLISH SUCH DISPOSITION IN ACCORDANCE WITH THE ALTERNATIVES SET FORTH BELOW:

- A. STORAGE IN THE SFR OF YUGOSLAVIA;
- B. STORAGE, PROCESSING OR OTHER DISPOSITION IN ACCORDANCE WITH INTERNATIONALLY ACCEPTED ARRANGEMENTS TO WHICH BOTH THE GOVERNMENT OF THE SFR OF YUGOSLAVIA AND THE GOVERNMENT OF THE UNITED STATES SUBSCRIBE;
- C. STORAGE IN THE UNITED STATES FOR A FIXED FEE UNDER RELATED COMMERCIAL ARRANGEMENTS, IF PRACTICABLE.

THE GOVERNMENTS OF THE SFR OF YUGOSLAVIA AND THE UNITED STATES UNDERSTAND THAT THE UNDERTAKINGS CITED ABOVE REFER TO THE FIRST CORE AND FIRST RELOAD AND ANY OTHER SUBSEQUENT RELOAD THAT MAY BE REQUESTED AND TRANSFERRED. THESE UNDERTAKINGS MAY BE TERMINATED, IT BEING UNDERSTOOD THAT SUCH TERMINATION SHALL NOT AFFECT THE RIGHTS AND OBLIGATIONS OF THE PARTIES (INCLUDING THOSE SET FORTH IN THIS LETTER) WITH RESPECT TO FUEL TRANSFERRED TO THE SFR OF YUGOSLAVIA PRIOR TO SUCH

TERMINATION. NOTHING IN THESE ARRANGEMENTS IS MEANT TO AFFECT
THE TERMS OR CONDITIONS OF THE AGREEMENT FOR FURNISHING URA-
NIUM ENRICHMENT SERVICES UNDER THE AGREEMENT FOR COOPERATION OF
14 AUGUST 1974 AND THE AGREEMENT FOR THE SUPPLY OF URANIUM
ENRICHMENT SERVICES FOR A NUCLEAR POWER FACILITY IN THE SFR OF
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YUGOSLAVIA OF 14 JUNE 1974.

THE GOVERNMENTS OF THE SFR OF YUGOSLAVIA AND THE
UNITED STATES HAVE ALSO AGREED THAT SHOULD EITHER OF THEM
SUBSCRIBE TO ANY NEW INTERNATIONAL AGREEMENT WHICH WOULD
REFER TO ISSUES REGULATED BY THIS AGREEMENT, THEY WOULD
PROMPTLY ENTER INTO NEGOTIATIONS ON NECESSARY MODIFICATIONS
FOR THE IMPLEMENTATION OF THESE AGREEMENTS UNLESS THEIR
IMMEDIATE IMPLEMENTATION HAS BEEN PROVIDED FOR THEREIN.

THE GOVERNMENT OF THE SFR OF YUGOSLAVIA EXPECTS THAT
THE INTERNATIONAL ATOMIC ENERGY AGENCY, BEING A PARTY TO THE
TRILATERAL AGREEMENT ON THE CONSTRUCTION OF THE KRSKO NUCLEAR
POWER PLANT, WILL APPROACH THE UNITED STATES GOVERNMENT
REQUESTING A PROMPT ISSUANCE OF THE EXPORT LICENCE FOR THE
NUCLEAR FUEL FOR THE KRSKO NUCLEAR POWER PLANT WHICH IS THE
OBLIGATION OF THE UNITED STATES GOVERNMENT UNDER PROVISIONS OF
THE AFOREMENTIONED AGREEMENT. END TEXT.

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